

1 RENE L. VALLADARES
Federal Public Defender
2 State Bar No. 11479
MONIQUE KIRTLEY
3 Assistant Federal Public Defender
411 E. Bonneville, Ste. 250
4 Las Vegas, Nevada 89101
(702) 388-6577/Phone
5 (702) 388-6261/Fax
monique_kirtley@fd.org

6 Attorney for PATRICK HENRY RYBICKI

7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13
14 PATRICK HENRY RYBICKI,

15 Defendant.
16

Case No. 2:17-mj-01115-CWH-1

**STIPULATION TO CONTINUE
BENCH TRIAL DATE**
(First Request)

17
18 IT IS HEREBY STIPULATED AND AGREED, by and between Dayle Elieson, United
19 States Attorney, and Patrick Burns, Assistant United States Attorney, counsel for the United
20 States of America, and Rene L. Valladares, Federal Public Defender, and Monique Kirtley,
21 Assistant Federal Public Defender, counsel for Patrick Henry Rybicki, that the Bench Trial
22 currently scheduled for Wednesday, April 4, 2018 at 9:00 a.m.,, be vacated and set to a date
23 and time convenient to this court but no sooner than sixty 60 days .

24 The Stipulation is entered into for the following reasons:

- 25 1. The defendant is not in custody and does not oppose the continuance.
26

1 2. Counsel for the defendant has been diligent in reviewing and investigating
2 discovery, case preparation and negotiations. However, additional time is needed to allow
3 counsel for the defendant sufficient time to complete the processes.

4 3. Denial of this request for continuance would deny counsel for the defendant
5 sufficient time to effectively complete these important pretrial preparations, taking into account
6 the exercise of due diligence.

7 4. Additionally, denial of this request for continuance could result in a miscarriage
8 of justice. The additional time requested by this stipulation is excludable in computing the time
9 within which the trial herein must commence pursuant to the Speedy Trial Act, § 3161(h)(7)(A),
10 considering the factors under Title 18, United States Code §§ 3161(h)(7)(B).

11 This is the first stipulation to continue filed herein.

12 DATED this 16th day of March, 2018.

13
14 RENE L. VALLADARES
Federal Public Defender

DAYLE ELIESON
United States Attorney

15 /s/ *Monique Kirtley*
16 By _____

/s/ *Patrick Burns*
By _____

17 MONIQUE KIRTLEY
Assistant Federal Public Defender
18 Counsel for PATRICK HENRY RYBICKI

PATRICK BURNS
Assistant United States Attorney

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 PATRICK HENRY RYBICKI,

7 DEFENDANT.
8

Case No. 2:17-mj-01115-CWH-1

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
ORDER

9 **FINDINGS OF FACT**

10 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
11 Court finds that:

12 The defendant is not in custody and does not oppose the continuance.

13 1. Counsel for the defendant has been diligent in reviewing and investigating
14 discovery, case preparation and negotiations. However, additional time is needed to allow
15 counsel for the defendant sufficient time to complete the processes.

16 2. Denial of this request for continuance would deny counsel for the defendant
17 sufficient time to effectively complete these important pretrial preparations, taking into account
18 the exercise of due diligence.

19 3. Additionally, denial of this request for continuance could result in a miscarriage
20 of justice. The additional time requested by this stipulation is excludable in computing the time
21 within which the trial herein must commence pursuant to the Speedy Trial Act, § 3161(h)(7)(A),
22 considering the factors under Title 18, United States Code §§ 3161(h)(7)(B).

23 This is the first stipulation to continue filed herein.
24
25
26

1 **CONCLUSIONS OF LAW**

2 The ends of justice served by granting said continuance outweigh the best interest of the
3 public and the defendant in a speedy trial, since the failure to grant said continuance would be
4 likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the
5 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into
6 account the exercise of due diligence.

7 The continuance sought herein is excusable under the Speedy Trial Act, title 18, United
8 States Code, Section § 3161 (h)(7)(A), when the considering the factors under Title 18, United
9 States Code, § 3161(h)(7)(B)(i), (iv).

10 **ORDER**

11 IT IS THEREFORE ORDERED that the Bench Trial currently scheduled for
12 Wednesday, April 4, 2018 at 9:00 a.m.,:

13 be vacated and continued to June 20, 2018 at the hour of 9:00 a.m.

14 DATED this March 20, 2018.

15 
16 _____
17 UNITES STATES MAGISTRATE JUDGE
18
19
20
21
22
23
24
25
26